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8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

\*E-FILED - 10/21/05\*

10 SAN JOSE DIVISION

11 UNITED STATES OF AMERICA,	)	No. CR 05-00288 RMW
	)	
12 Plaintiff,	)	<b>STIPULATION TO CONTINUE</b>
	)	<b>HEARING; ORDER</b>
13 v.	)	
	)	
14 MARIO PONCE,	)	
	)	
15 Defendant.	)	
_____	)	

16  
17 Defendant and the government, through their respective counsel, hereby stipulate that,  
18 subject to the court's approval, the hearing in the above-captioned matter, presently scheduled for  
19 Monday, October 24, 2005, at 9:00 a.m., be continued to Monday, November 21, 2005, at 9:00  
20 a.m. The parties agree that the hearing should be continued because defense investigation is  
21 ongoing regarding whether Mr. Ponce's immigration status could be restored, based on possible  
22 defects in the felony conviction that led to his deportation. The defense has recently located Mr.  
23 Ponce's former attorney in that case and hopes to interview her this week.

24 The parties further agree that time should be excluded under the Speedy Trial Act because  
25 the defense requires time for investigation and preparation, and the ends of justice outweigh the  
26 defendant's and the public's need for a speedy trial.

STIPULATION TO CONTINUE  
HEARING DATE  
No. CR 05-00288 RMW

1 Dated: 10/18/05

/s/  
\_\_\_\_\_  
LARA S. VINNARD  
Assistant Federal Public Defender

3 Dated: 10/18/05

/s/  
\_\_\_\_\_  
SUSAN KNIGHT  
Assistant United States Attorney

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

UNITED STATES OF AMERICA,	)	No. CR 05-00288 RMW
	)	
Plaintiff,	)	<b>ORDER CONTINUING</b>
v.	)	<b>HEARING</b>
	)	
MARIO PONCE,	)	
	)	
Defendant.	)	
_____	)	

The parties have jointly requested a continuance of the hearing set for September 26, 2005, on grounds that the defense investigation is ongoing with respect to the felony conviction that provided grounds for Mr. Ponce's removal from the United States.

GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that the hearing date presently set for October 24, 2005, be continued to Monday, November 21, 2005, at 9:00 a.m.

Pursuant to the parties' stipulation, IT IS FURTHER ORDERED that the period of time from October 24, 2005, to November 21, 2005, shall be excluded from the period of time within which trial must commence under the Speedy Trial Act, 18 U.S.C. § 3161 et seq.

Dated: 10/21/05

/S/ RONALD M. WHYTE  
RONALD M. WHYTE  
United States District Judge